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SERVICE DATE - SEPTEMBER 12, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-402 (Sub-No. 6X)

FOX VALLEY & WESTERN LTD.—ABANDONMENT EXEMPTION—
IN WAUPACA COUNTY, WI

Decided: September 7, 2001

By decision and notice of interim trail use or abandonment (NITU) served on March 30, 1999, a 180-day period was authorized for the Wisconsin Department of Natural Resources (WisDNR), acting through the Wisconsin Department of Transportation, to negotiate an interim trail use/rail banking agreement with Fox Valley & Western Ltd. (FVW) for a 10.7-mile line of railroad, known as the Manawa-Scandinavia Line, extending from milepost 50.3 near Manawa to the end of the line at milepost 61.0 in Scandinavia, in Waupaca County, WI. The negotiating period subsequently was extended four times. Most recently, in a decision served March 19, 2001, the negotiating period was extended to September 15, 2001.

By joint motion filed August 28, 2001, WisDNR and FVW have filed a fifth request to extend the negotiating period for an additional 180 days. The parties state that WisDNR has made an initial timely offer to FVW and that, while negotiations are currently continuing in good faith, more time is needed to finalize negotiations.

The parties' request is reasonable. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). An extension of the trail use negotiating period may be granted where, as here, the carrier is willing to continue negotiations. Accordingly, the extension will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The joint motion to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended for a period of 180 days until March 14, 2002.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary